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IN THE US PATENT AND TRADEMARK OFFICE

October 20, 2003

Applicants: Rainer LUDWIG
Title : MONITORING DEVICE
Serial No.: 09/758 515
Filed : January 11, 2001

Examiner: Raevis
Confirmation No. 8391
Group: 2856

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Dear Sir:

This Response is offered in reply to the office action of July 21, 2003.

Applicant acknowledges and appreciates allowance of claims 6, 11-14, and 17-36 as set forth on page 3 of the office action.

On page 2 of the office action, claims 1, 2, 4, 5, 7, 8, 9, and 10 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting in view of claims 21, 22, 23, 24, and 28 of copending application Serial No. 09/758,513.

Applicant encloses a Terminal Disclaimer that is believed to overcome this rejection. The fee of \$55.00 (small entity) for the Terminal Disclaimer is provided in the form of an enclosed check for \$110.00.

Also enclosed are copies of assignment documents showing that this application and Serial No. 09/758,513 are commonly owned by the same assignee.

Favorable consideration of the Terminal Disclaimer and withdrawal of the rejection of claims 1, 2, 4, 5, 7, 8, 9, and 10 in view of copending application Serial No. 09/758,513 is requested.

On page 3 of the office action, claims 1, 2, 3, 4, 5, 7, 8, 9, 10, 15, and 16 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting in view of claims 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, and 33 of copending application Serial No. 09/758,514.

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Serial No. 09/758 515

Applicant encloses a second Terminal Disclaimer that is believed to overcome this rejection. The fee of \$55.00 (small entity) for the second Terminal Disclaimer is provided in the form of an enclosed check for \$110.00.

Also enclosed are copies of assignment documents showing that this application and Serial No. 09/758, 514 are commonly owned by the same assignee.

Favorable consideration of the Terminal Disclaimer and withdrawal of the rejection of claims 1, 2, 3, 4, 5, 7, 8, 9, 10, 15, and 16 in view of copending application Serial No. 09/758, 514 is requested.

Applicant believes all of the pending claims are in condition for allowance, and action to that end is requested.

Respectfully submitted,



Edward J. Timmer
Reg. No. 27 402

Enclosure: Two Terminal Disclaimers, Check for \$110 for two Terminal Disclaimers, Copies of assignments, and Postal Card

Telephone: 269-629-9136

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service under 37 CFR 1.8 as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 21, 2003.



Edward J. Timmer